

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

United States of America,

Case No. 2:23-cr-0221-JAD-DJA

Plaintiff

V.

John Anthony Miller.

Order Granting Motions to Seal and for Competency Hearing

Defendant

ECF Nos. 48, 49

Defendant John Anthony Miller is charged with one count of threatening a federal official and two counts of influencing, impeding, or retaliating against a federal official by threatening a family member.¹ Citing serious concerns about Miller's mental health and outlining the basis for those concerns, his counsel moves for a psychiatric or psychological evaluation of Miller under 18 U.S.C. § 4241(b) and asks the court to set a hearing to determine his competency under 18 U.S.C. § 4241(a).² The government does not oppose the request.³

18 U.S.C. § 4241(a) provides that a court “shall grant” a motion for a hearing to determine the mental competency of the defendant “if there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.” The statute authorizes the court to “order that a psychiatric or psychological examination of the defendant be conducted and that a

¹ ECF No. 25

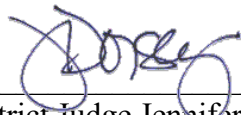
² ECF No. 49.

³ ECF No. 51.

1 psychiatric or psychological report be filed with the court” before that hearing to aid the court in
 2 its determination.⁴ Because I find that defense counsel has shown reasonable cause to believe
 3 that Mr. Miller is suffering from a mental disease or defect rendering him mentally incompetent
 4 to assist in his defense, I grant the motion and will order a psychiatric or psychological
 5 evaluation to be conducted under 18 U.S.C. § 4241(b). Once the report is available, the court
 6 will set a competency hearing.

7 IT IS THEREFORE ORDERED that the Motion for Competency Hearing [ECF No. 49]
 8 **is GRANTED. The parties are directed to meet and confer and file by 5/31/24 a joint**
 9 **proposed order** directing the psychiatric or psychological evaluation to be performed by the
 10 Bureau of Prisons.

11 And because defense counsel has demonstrated good cause to seal the motion for
 12 competency hearing as it contains private information and attorney-client communications that
 13 should not be publicly accessible, IT IS FURTHER ORDERED that the motion to seal that
 14 motion [ECF No. 48] **is GRANTED. The Clerk of Court is directed to MAINTAIN THE**
 15 **SEAL on ECF No. 49.**

16
 17 
 18 U.S. District Judge Jennifer A. Dorsey
 May 22, 2024
 19
 20
 21
 22
 23

⁴ 18 U.S.C. § 4241(b).